

2. Rule 55(c), Fed. R. Civ. P., provides that the Court may set aside any entry of default for good cause.

3. In this case, after Lambert received a copy of the Seventh Amended Complaint from his parents, on whom it was improperly served at their home, Lambert contacted counsel for plaintiffs and attempted to negotiate a settlement *pro se*, to avoid the expense of retaining counsel. Only after those settlement efforts failed did Lambert engage counsel to represent him in this matter.

4. Lambert believes that there are meritorious substantive defenses to the claims against him in the Seventh Amended Complaint, as well as a meritorious defense of insufficient service of process. This motion is therefore brought in good faith, and not for any improper purpose of delay.

5. Because Lambert did not ignore the Seventh Amended Complaint when he learned that he had been sued, but instead attempted to negotiate a settlement *pro se*, and because there are meritorious defenses to the claims against him, there is good cause to set aside any entry of default against him.

WHEREFORE, defendant Keith Lambert respectfully moves this Court to set aside any order of default entered against him, and to grant him 21 days to answer or otherwise plead.

Dated: April 5, 2017

Respectfully submitted,

KEITH LAMBERT

By: /s/ Jeffrey H. Bergman
One of his attorneys

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendant Keith Lambert's Motion to Vacate any Default and for Leave to Answer or Otherwise Plead Was Served by this Court's ECF system on all counsel who have appeared in this matter on April 5, 2017

/s/ Jeffrey H. Bergman